

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

ROBERT SHAMBLIN,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-0243

WEST VIRGINIA REGIONAL JAIL AUTHORITY;  
CORRECTIONAL OFFICER MORRISON;  
CORRECTIONAL OFFICER YORK; and  
CORRECTIONAL OFFICER HORNER,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendants' Motion to Designate Their Motion to Dismiss as Unopposed and to Dismiss Plaintiff's Complaint for Failure to Prosecute (ECF No. 32), be granted; Defendants' Motion to Dismiss the Complaint (ECF No. 16) be denied, as moot; the complaint be dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 41(b) and L. R. Civ. P. 41.1; and this action be removed from the docket of the Court. No party has filed objections to the Magistrate Judge's findings and recommendations.<sup>1</sup>


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<sup>1</sup> The Proposed Findings and Recommendation was mailed to Plaintiff on August 15, 2018, and returned to the Clerk's Office on August 20, 2018, marked undeliverable. Plaintiff has not provided a current mailing address.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Defendants' Motion to Designate Their Motion to Dismiss as Unopposed and to Dismiss Plaintiff's Complaint for Failure to Prosecute (ECF No. 32), be **GRANTED**; Defendants' Motion to Dismiss the Complaint (ECF No. 16) be **DENIED, as moot**; the complaint be **DISMISSED, without prejudice**, pursuant to Federal Rule of Civil Procedure 41(b) and L. R. Civ. P. 41.1; and this action be **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 6, 2018

  
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ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE